

CHAPTER 6

Conditional Release and Release Without Conditions

I. Community Services Board/Behavioral Health Authority (CSB/BHA) NGRI Coordinator

- A. The Executive Director of each CSB/BHA shall designate a member of his/her staff to serve as the NGRI Coordinator. The CSB/BHA NGRI Coordinator will:
 - 1. Oversee compliance of the CSB/BHA and the acquittee with court orders for conditional release,
 - 2. Coordinate the provision of reports to the courts in a timely fashion, and
 - 3. Maintain training and expertise needed for this role.
- B. The CSB/BHA NGRI Coordinator is the single point to coordinate all NGRI cases.
 - 1. Central point for accountability
 - 2. Central point to facilitate communication with judges, attorneys, DBHDS facility Forensic Coordinators and staff from the state mental health facilities, Office of Forensic Services, etc.

II. Implementing the conditional release plan

The conditional release plan is attached to or referenced in the conditional release order for the acquittee. The conditional release plan itself is, therefore, a court order in its entirety. Changing any of the general or special conditions in the conditional release plan must be pre-approved by the court of jurisdiction. Virginia Code §19.2-182.7 requires the CSB/BHA serving the locality in which the acquittee will reside upon release to

- A. Implement the court's conditional release orders, and
- B. Submit written reports to the court no less frequently than every six months on the acquittee's
 - 1. Progress, and

2. Adjustment in the community.

III. Assistance from the DBHDS Office of Forensic Services

- A. Technical assistance and consultation are available from the DBHDS Office of Forensic Services, regarding all acquirtees placed on conditional release.
- B. Copies of the following should be sent to the DBHDS Office of Forensic Services in a timely fashion
 1. Monthly reviews of conditional release (See format and instructions at end of this chapter), for the first twelve months following release
 2. Six month reports to the court (See format and instructions at end of this chapter), for the duration of conditional release
 3. Correspondence with the court, including
 - a. Petitions for modification or removal of conditions of release, and
 - b. Petitions for revocation of conditional release.
 4. Court orders
 5. Other pertinent information

IV. Reporting to the courts – Six-month Reports to the Court

- A. Written reports shall be submitted to the court, pursuant to Virginia Code §19.2-182.7, by the CSB/BHA no less frequently than once every six months, starting six months after the acquirtee’s discharge date on conditional release from the hospital.
 1. Consult the conditional release order for more specific requirements regarding reporting that the court might impose.
 2. The court has the option to request these reports more often.
- B. Format for the six-month court reports
 1. The CSB/BHA staff member who is responsible for supervising the implementation of the conditional release plan should complete these reports.
 - a. A formal forensic evaluation is not required.
 - b. See format and instructions at end of this chapter.
- C. Before the due date of the six-month report, the CSB/BHA staff person supervising the conditional release should collect information from all parties

involved with the conditions of release.

1. Goal: Current, comprehensive assessment of the acquittee's progress and adjustment in the community.
 2. People who should be contacted for their input
 - a. Providers of services
 - b. Family and/or friends of acquittee
 - c. Acquittee
- D. The original signed copy of the six month court report should be submitted to the judge holding jurisdiction over the acquittee (or judges if multiple courts are holding jurisdiction). Copies of the report should go to:
1. The attorney for the acquittee;
 2. The attorney for the Commonwealth of the jurisdiction where the acquittee was found not guilty by reason of insanity, and
 3. DBHDS Office of Forensic Services.

V. Acquittee non-compliance with the conditional release plan

- A. Deciding when to pursue revocation of conditional release, modification of the conditional release order, or other interventions with the acquittee can be difficult.
1. Many of the scenarios and consequences regarding compliance, or lack of compliance, should be anticipated and discussed with the acquittee during conditional release planning. These outcomes and consequences should be described in the conditional release compliance-monitoring plan.
 2. Responses to the acquittee's lack of compliance with the conditional release order should be closely tied to the seriousness of individual risk factors identified in the hospital-generated risk assessment, i.e., Analysis of Risk Report.
 3. In each case, clinical judgment and consultation with supervisors and colleagues may be necessary to resolve problems with noncompliance.
 - a. It might also be useful to review the acquittee's progress or lack of progress with the DBHDS facility treatment team that recommended and planned the conditional release.
 - b. Good practice suggests careful documentation of the rationale to revoke or not revoke the conditional release.

4. The DBHDS Office of Forensic Services should also be consulted or notified when modification of the conditional release plan or revocation is being considered
5. Virginia Code Sections 19.2-182.7, 19.2-182.8, 19.2-182.9, and 19.2-182.11 outline several mechanisms to respond to serious instances of noncompliance with conditions of release, decompensation of the acquittee's mental condition, and other problems of conditional release. See discussion of each legal option later in chapter.
6. Writing to the court (with copies to acquittee and both attorneys) regarding the acquittee's lack of compliance is another useful tool. The letter should include an offer to attend a court hearing reviewing the status of the acquittee's progress on conditional release if the court chooses to schedule such a hearing.

VI. Modifying Conditional Release Orders/Plans (§ 19.2-182.11)

A. Reasons for modification:

The assigned CSB/BHA case manager must monitor the entire conditional release plan (all general and special conditions). When the CSB/BHA case manager determines that the conditional release plan needs to be modified, it is incumbent upon the CSB/BHA case manager to recommend that the court of jurisdiction modify the conditional release plan. Only the court of jurisdiction has the authority to actually modify the conditional release plan, and any of the general and special conditions. The reasons for modifying the conditional release plan may result from positive or negative compliance factors.

B. Examples of when the CSB/BHA case manager should recommend that the conditional release plan be modified include:

1. When the specific service needs identified in the plan change, i.e., the acquittee should now return to work full time and no longer needs to attend the psychosocial program on a full-time basis, or the acquittee only needs to attend the psychosocial program 3 days/week vs. 5 days/week.
2. The acquittee has improved and no longer requires services described in one of the conditions.
3. The acquittee's compliance and the adjustment in the community is poor and additional conditions need to be added before recommending revocation of conditional release.

C. Procedures for modification

1. The court of jurisdiction may modify conditions of release upon its own motion based upon reports of the supervising CSB/BHA, or upon petition

of any of the following entities:

- a. Supervising CSB/BHA;
 - b. Attorney for the Commonwealth; or
 - c. The acquittee; who may petition only once annually commencing six months after the conditional release is ordered (see VA Code 19.2-182.11.A).
2. The court may issue a proposed order for modification of conditions as it deems appropriate, based on the CSB's report and any other evidence provided to it.
 - a. In cases where the supervising CSB/BHA is requesting the modification, the petition should be accompanied by a written report specifying the request and providing a clear rationale and support for the request.
 - b. Any other evidence supporting the request should also accompany the petition, such as letters from family members or other providers of conditional release services, etc.
 - c. Copies of this correspondence with the court should be sent to the DBHDS Office of Forensic Services.
 3. The court must provide notice of the order, and the right to object to it within ten days of its issuance, to the
 - a. Acquittee,
 - b. Supervising CSB or BHA,
 - c. Attorney for the Commonwealth for the committing jurisdiction, and
 - d. Attorney for the Commonwealth where the acquittee is residing on conditional release (if not the same as the committing jurisdiction).
 4. The proposed order will become final if no objection is filed within ten days of its issuance.
 5. If an objection is filed, the court shall:
 - a. Conduct a hearing at which the acquittee, the attorney for the Commonwealth, and the supervising CSB/BHA have an opportunity to present evidence challenging the proposed order, and
 - b. Issue an order, at the conclusion of the hearing, modifying conditions of release or removing existing conditions of release.
- D. court approval for out-of-state visits while on conditional release

Virginia Code § 19.2-182.15 makes it a class 6 felony for an acquittee who has been placed on conditional release, pursuant to § 19.2-182.7, to leave the Commonwealth without permission from the court which conditionally released him.

1. In certain geographic regions and individual cases where an acquittee may need to work or attend medical appointments across state lines, consideration may be given to requesting that the court authorize such visits on a regular basis.
2. The following issues should be considered in any decision to request such a modification to the conditional release order:
 - a. Length of time acquittee has been on conditional release,
 - b. Degree of compliance with the conditional release plan,
 - c. Degree of compliance with psychotropic medication,
 - d. Risk factors identified in the Analysis of Risk Report
 - e. Acquittee's understanding of the criminal penalty for escape from conditional release (i.e., § 19.2-182.15),
 - f. The availability of support systems, both personal and professional, should the acquittee begin to decompensate or have difficulties, and
 - g. The availability of a trusted person to accompany the acquittee.
3. The request for a modification to a conditional release order should specify dates and locations for the out-of-state visits and ask that the modified court order include those specifics.

VII. Revocation of Conditional Release

When revocation is being considered by the CSB/BHA, it is recommended that the NGRI Coordinator or the case manager discuss the acquittee's situation with the Forensic Coordinator of the last discharge hospital. This discussion would include the reasons for the revocation, risk factors and the appropriate DBHDS hospital for revocation admission.

An acquittee in need of inpatient treatment may elect voluntary admission to a DBHDS facility. In those cases, discharge to conditional release from the hospital within 60 days does not require FRP review. If the treatment team is recommending revocation of conditional release for acquittees voluntarily admitted who were unable to resume conditional release within the initial 60 days, then FRP review is required.

Once the acquittee is revoked, the NGRI Coordinator of the CSB/BHA should ensure that the admitting hospital receives appropriate information about the reasons for revocation and that ongoing communication is established to discuss planning for the acquittee after the revocation admission.

Reasons for the acquittee's revocation of conditional release should include the need for

psychiatric hospitalization. If the acquittee is in violation of his or her conditional release plan and does not need hospitalization, the CSB/BHA and the court have different options, such as modification of the conditional release plan, or citation of the acquittee for contempt of court.

A. Regular (Non-Emergency) Process (§ 19.2-182.8)

1. The court may order an evaluation of the acquittee if at any time the court that ordered conditional release finds reasonable ground to believe that the acquittee on conditional release has
 - a. Violated the conditions of release, or is no longer a proper subject for conditional release based on application of the criteria for conditional release, and
 - b. Requires inpatient hospitalization.
2. A format for a petition for revocation of conditional release is included later in this chapter to assist the supervising CSB/BHA in requesting a response from the court.
3. The evaluator must be a psychiatrist or a clinical psychologist who is qualified by training and experience to perform forensic evaluations.
4. The court may revoke the acquittee's conditional release and order him/her returned to the custody of the Commissioner if the court, based on the evaluation and after hearing evidence on the issue, finds by a preponderance of the evidence that an acquittee on conditional release has
 - a. Violated the conditions of release, or is no longer a proper subject for conditional release based on application of the criteria for conditional release, and
 - b. Has a mental illness or intellectual disability and requires inpatient hospitalization.

B. Emergency Process (§ 19.2-182.9)

1. When exigent circumstances do not permit compliance with revocation procedures set forth in § 19.2-182.8 (see above section)
 - a. Any district court judge or special justice as defined in § 37.2-100 may issue an emergency custody order (ECO), upon the sworn petition of any responsible person or upon the court's own motion based upon probable cause to believe that an acquittee on conditional release
 - (1) has violated the conditions of his or her release, or is no longer a proper subject for conditional release, and

- (2) requires inpatient hospitalization.
 - b. The Emergency Custody Order (ECO) shall
 - (1) require the acquittee to be taken into custody, and
 - (2) transported to a convenient location where a person designated by the CSB/BHA who is skilled in the diagnosis and treatment of mental illness shall evaluate the acquittee and assess his or her need for hospitalization.
2. A law enforcement officer who, based on his or her observation or the reliable reports of others, has probable cause to believe that an acquittee on conditional release has violated the conditions of release and is no longer a proper subject for conditional release, and requires emergency evaluation to assess the need for inpatient hospitalization, may take the acquittee into custody and transport him or her to an appropriate location to assess the need for hospitalization without prior judicial authorization.
 - a. The evaluation shall be conducted immediately.
 - b. The acquittee shall remain in custody until a temporary detention order (TDO) is issued or until released, but in no event shall the period of custody exceed eight 8 hours.
3. A judge or special justice may issue a Temporary Detention Order authorizing the executing officer to place the acquittee in an appropriate institution (this could be a community-based psychiatric hospital or a state hospital) for a period not to exceed seventy-two (72) hours prior to a hearing (if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the 72 hours shall be extended to the next business day), if it appears from all evidence readily available that the acquittee:
 - a. Has violated the conditions of release, or is no longer a proper subject for conditional release, and
 - b. Requires inpatient hospitalization.
4. The committing court or any judge or special justice shall have jurisdiction to hear the matter.
 - a. Before the hearing, the acquittee shall be examined by a psychiatrist or a clinical psychologist who shall certify whether the person is in need of hospitalization.
 - b. Following the hearing, the court shall revoke the acquittee's conditional release and place him or her in the custody of the Commissioner if the court determines, based on a preponderance of the evidence presented at the hearing, that the acquittee

- (1) has violated the conditions of release, or is no longer a proper subject for conditional release; and
- (2) has a mental illness or intellectual disability and is in need of inpatient hospitalization

C. Placement back into the custody of the Commissioner after revocation from conditional release

Placement into custody of the Commissioner after revocation does not require hospitalization in the Forensic Unit of Central State Hospital, even if the acquittee was placed on conditional release directly from the Forensic Unit at Central State Hospital. The decision to place the acquittee in a particular hospital setting is made by the Office of Forensic Services, in consultation with the Forensic Coordinator at the hospital in which the acquittee was resident immediately prior to conditional release.

1. First consideration should be given to returning the acquittee to the facility that serves the region to which the acquittee was conditionally released, thus facilitating continuity of care. In cases where the acquittee was discharged directly from the CSH Forensic Unit, consideration should be given to placing the acquittee at the facility serving the region to which the acquittee was conditionally released.
2. The decision to place the revoked acquittee in the Maximum Security Unit of Central State Hospital or another unit should be based upon an assessment of risk to include (i) danger to self or others, and (ii) risk of escape.
3. In those cases where a joint assessment of risk by the responsible CSB and the regional DBHDS facility indicates that an acquittee requires a secure forensic treatment setting, due to safety or security reasons, an immediate referral should be made to the Forensic Coordinator of the Forensic Unit at Central State Hospital.
4. If there is disagreement between the Forensic Coordinator of the regional DBHDS facility and the Forensic Coordinator of the Secure Forensic Unit, the DBHDS Office of Forensic Services will make the decision regarding placement.

VIII. Civil ECO, TDO, or Hospitalization of an insanity acquittee on conditional release

- A. When an acquittee on conditional release is taken into emergency custody, detained, or hospitalized, such action shall be considered to have been taken pursuant to Virginia Code § 19.2-182.9, notwithstanding the fact that his or her status as an insanity acquittee was not known at the time of custody, detention, or hospitalization.

- B. Detention or hospitalization of an acquittee pursuant to provisions of law other than those applicable to insanity acquittees under Chapter 11.1 of Title 19.2 of the Code of Virginia shall not render the detention or hospitalization invalid.
- C. If a person's status as an insanity acquittee on conditional release is not recognized at the time of the civil emergency custody or detention, at the time his or her status as such is verified, the provisions applicable to such persons shall be applied and the court hearing the matter shall notify the committing court of the proceedings.
- D. Based on a risk assessment conducted by the CSB/BHA, an acquittee can be admitted to a local psychiatric hospital on a temporary detention order or could remain on a voluntary admission, or can be voluntarily admitted to a DBHDS facility. If the acquittee requires involuntary hospitalization and needs to be committed, however, the acquittee should be admitted to a state hospital and to the custody of the Commissioner.

IX. Contempt of court (§ 19.2-182.7)

Under Virginia Code § 19.2-182.7, after a finding by the court that the acquittee has violated the conditions of his release but does not require inpatient hospitalization, the court may hold the acquittee in contempt.

X. Procedures following revocation of an acquittee from conditional release.

- A. Required admitting court orders:

When an acquittee is involuntarily admitted back into the state hospital following conditional release, the acquittee's conditional release is considered revoked regardless of the Virginia Code Section upon which the admission was based. The acquittee can be placed back into the custody of the Commissioner pursuant to Virginia Code Sections 19.2-182.8 (non-emergency revocation), 19.2-182.9 (emergency revocation), a civil TDO or a civil commitment order. If the acquittee is rehospitalized on the basis of a civil TDO or a civil commitment order because his status as an insanity acquittee on conditional release was not known at the time of the emergency custody or detention, the provisions for the revocation of acquittees apply once the acquittee's status has been verified. The court that acts on the request for emergency custody or detention notifies the committing court of the actions taken. The revocation process for the acquittee is begun upon admission in these instances.

- 1. When an acquittee is admitted to the hospital on a NGRI TDO or a civil TDO order, the acquittee must have a hearing within the prescribed time frames to determine if the acquittee meets the criteria for continued hospitalization and if the acquittee will remain hospitalized.

2. Whenever an acquittee is admitted to a state hospital following conditional release, the PRAIS legal status code is either a 74 or a 75 and will remain one of the revocation PRAIS codes for the duration of his NGRI status, regardless of the admitting court.

XI. Hospital readmission of the acquittee; return to the custody of the Commissioner.

As soon as possible after the revocation of the acquittee back into the custody of the Commissioner, the CSB staff and the treatment team will need to develop a recommendation regarding continued hospitalization or resuming conditional release. It is important for the CSB and treatment team staff to maintain close communication during this time in order to provide a joint recommendation based on information from the acquittee's previous experience on conditional release. The joint recommendation will be submitted to the FRP by the hospital staff within thirty (30) days of revocation. The Forensic Coordinator should designate a due date to accommodate IFPC review prior to FRP review.

If the recommendation to the FRP is conditional release, the previous conditional release plan will need to be reviewed and updated/revised as appropriate. If the court approves conditional release, it will be necessary for a new court order for conditional release to be signed before the acquittee can be discharged back on conditional release.

If the recommendation is to continue hospitalization at this time, a proper court order may be necessary to continue hospitalization. The CSB staff will remain involved with the NGRI acquittee as a member of the treatment team.

XII. Review by the Forensic Review Panel after acquittee is returned from conditional release to the Commissioner's custody

- A. Within thirty (30) days of the acquittee's return to the Commissioner's custody, the treatment team shall submit a packet of information to the FRP with recommendations for future treatment and management. The packet should clearly state whether the treatment team
 1. Recommends continued hospitalization and the recommended privilege level if any, or
 2. Recommends the return to conditional release within the first 60 days after resumption of Commissioner's custody
- B. All packets should include the following:
 1. A review of the acquittee's progress on conditional release and a description of the circumstances of the return to hospitalization. This should include:

- a. The acquittee's perspective;
 - b. The supervising CSB's perspective;
 - c. Other relevant parties' perspectives;
 - d. The victim's perspective, if that information is available and relevant to the acquittee's course of conditional release and return to hospitalization; and
 - e. Other relevant information.
- B. An account of the NGRI offense
 - C. An updated Analysis of Risk;
 - D. The results of a current mental status exam;
 - E. Copy of sanity evaluation (if available);
 - F. Appropriate risk management plan(s) if recommending continued hospitalization;
 - G. Current diagnosis;
 - H. Treatment team's support for the request;
 - I. Current list of treatment activities and medication orders;
 - J. Revised conditional release plan if the recommendation is for resumption of conditional release.
- C. FRP recommendations to the court

The FRP will communicate its recommendation to the court within 60 days of the acquittee's hospitalization.

- 1. If the FRP approves conditional release, the FRP shall make that recommendation to the court and submit the revised conditional release plan; or
 - 2. If the FRP approves recommitment to the custody of the Commissioner, the FRP shall make that recommendation to the court with its reasons.
- D. Forensic Coordinator responsibilities following FRP recommendations to the court:
 - 1. If the court determines that the acquittee can be conditionally released following the recommendations of the FRP, the court must issue a new

order for conditional release pursuant to § 19.2-182.7 before the acquittee can be discharged from the hospital on conditional release. The Forensic Coordinator is responsible for contacting the court to facilitate this process.

2. The Forensic Coordinator will:
 - a. Provide a written request to the court to arrange for a commitment hearing if the acquittee was revoked on a court order pursuant to §19.2-182.9 or a civil commitment order, if such a hearing is necessary to maintain the hospitalization of the acquittee.
 - b. A court order pursuant to §19.2-182.8 does not necessitate this request to the court following the continued hospitalization recommendation of the FRP.
 - c. In all revocation cases, the Forensic Coordinator will request that the annual/biennial commitment hearing process be implemented even if the acquittee had previously been in the custody of the Commissioner for more than 5 years prior to the conditional release from which he was revoked.

XIII. Release Without Conditions (§§ 19.2-182.3, 19.2-182.6, 19.2-182. 11)

Acquittees can be released without conditions by the court of jurisdiction from conditional release, or directly from the custody of the Commissioner. An individual who is released without conditions is no longer under the jurisdiction of the court. The responsibility of the DBHDS and of the CSB for reporting to the court regarding acquittee status, ceases with unconditional release.

- A. Release without conditions and the discontinuance of court jurisdiction occurs only at the committing court's discretion.
 1. Criteria for release without conditions: acquittee does not need inpatient hospitalization and does not meet the criteria for conditional release set forth in § 19.2-182.7.
 2. The CSB may recommend removal of conditions to the court through the 6 month court reporting process or through other formal communication with the court. Recommendation for removal of conditions should be accompanied with documented reasons for the recommendation.
 3. As release without conditions is the final step in the graduated release of an insanity acquittee, careful consideration should be given to whether the acquittee is now ready and able to manage his/her mental illness and potential for violence without the court ordered monitoring by the CSB.

B. The court uses the same mechanism for removal of all conditions of release as it does for modification of conditional release.

1. See Section VI. Modifying Conditional Release Orders/Plans in this chapter.
2. At the end of this process, the court may issue an order removing conditions on the acquittee's conditional release and discontinuing the court's jurisdiction.

The following should receive copies of the order

- a. Acquittee,
- b. Supervising CSB,
- c. Attorney for the Commonwealth for the committing jurisdiction,
- d. Attorney for the Commonwealth where the acquittee was residing on conditional release (if that locality is not the same as the committing jurisdiction), and
- e. DBHDS Office of Forensic Services.

**THE MONTHLY REVIEW OF CONDITIONAL RELEASE REPORT
INSTRUCTIONS FOR COMPLETING THE FORM:**

I. GENERAL GUIDANCE:

- A. Read the currently approved conditional release plan carefully. Do not assume that any of the general or special conditions have been modified or deleted unless you have a court order or letter from the NGRI judge of jurisdiction confirming that status. If the court has deleted or modified a condition, label that status in the comment section. If the conditional release plan was written so that the CSB has the authority to discontinue a service, only then it is allowed to discontinue the condition(s) without the court's specific approval. Note these 2 distinctions appropriately in the comment section.
- B. Don't use local names of programs, i.e., Rainbow House or abbreviations, i.e., ACR. Describe the program type instead, i.e., club house, detox program, adult home, etc.
- C. The 6-month report to the court does NOT substitute for the monthly report.
- D. The reporting form is available in an electronic format for your convenience.

II. SPECIFIC INSTUCTIONS FOR THE FORM:

- A. NAME OF ACQUITTEE – Complete the full name of the acquittee.
- B. COURT HOLDING JURISDICTION – Complete the name of the court that holds jurisdiction for the acquittee. If there are 2 or more courts of jurisdiction, complete all that apply.
- C. DATE OF HOSPITAL DISCAHRGE
- D. SUPERVISING CSB
- E. MONTH OF REVIEW– Complete the Month/Year being reviewed.
- F. GENERAL CONDITIONS OF RELEASE – Read the currently approved conditional release plan and write/type all general conditions in detail and by their number on the left side column. If the general conditions are not written/typed in their entirety, write/type meaningful phrases for each general condition that represents the court's intent of the general conditions.
 - 1. Check off “never compliant”, “sometimes compliant”, or “always compliant” to describe the acquittee's compliance with each general

condition of their release.

2. Write/type in comments as needed to describe the acquittee's compliance with the general conditions of their release.
3. If you condense the wording of the general condition on the report, ensure that your version of the condition still represents the court's intent and that it can be appropriately answered by the choices – “never”, “sometimes” or “always”. Do not just write/type in a number without a description of the general condition. Do not just write/type in that “all general conditions are fine”.

G. **SPECIAL CONDITIONS OF RELEASE** – Read the currently approved conditional release plan and list all special conditions in detail and by their number on the left side column. If the special conditions are not written/typed in their entirety, write/type meaningful phrases for each special condition that represent the court's intent for each special condition.

1. Check off “never compliant”, “sometimes compliant”, or “always compliant” to describe the acquittee's compliance with each special condition of their release.
2. Write/type in comments as needed to describe the acquittee's compliance with each special condition of their release.
3. If you condense the wording of the special condition on the report, ensure that your version of the condition still represents the court's intent and that it can be appropriately answered by the choices – “never”, “sometimes” or “always”. Do not just write/type in a number without a description of the special condition. Do not just write/type in that “all special conditions are fine”.

H. **OTHER COMMENTS ON ACQUITTEE'S PROGRESS AND ADJUSTMENT IN THE COMMUNITY** – This is the opportunity to provide information about the acquittee's progress, compliance, or maintenance with the conditional release plan. It also provides space to comment on factors that influence the acquittee's community adjustment. This is also the place to indicate the dates and results of any substance abuse screening.

- I. SIGNATURE – The case manager assigned should sign their name and then print/type their name. It is also recommended to add the credentials of case manager, i.e., LPC, MSW, BS, RN, etc.
- J. PHONE, FAX, EMAIL– Print/type the phone number and the fax where the case manager can be reached.

III. OTHER INFORMATION:

- A. The Monthly Review of Conditional Release form is due on the 10th of the month following the reporting month. An example is that the November 2020 report is due on December 10, 2020.
- B. Only email (preferred), fax or mail the Monthly Review of Conditional Release report. Do not send both faxed and mailed copies.

Mailing address:

Department of Behavioral Health and Developmental Services

Office of Forensic Services

P.O. Box 1797

Richmond, Virginia 23218-1797

Fax number: 804-786-9621

Email: csb.ngri@dbhds.virginia.gov

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

Email to: csb.ngri@dbhds.virginia.gov

OR
 Fax to: 804-786-9621

Mail To:
 Office of Forensic Services
 DBHDS
 P.O. Box 1797 Richmond,
 VA 23219

AcquitteeName:

Court Name:

Date of Hospital Discharge:

Supervising CSB Name:

Month and Year of Review: *Select Month* *Select Year*

This is the calendar month and year for which you are reporting, not the month you are submitting the report.

GENERAL CONDITIONS OF RELEASE

	<u>Condition</u>	<u>Compliance</u>	<u>Comments</u>
1)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
2)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
3)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
4)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

GENERAL CONDITIONS OF RELEASE

	<u>Condition</u>	<u>Compliance</u>	<u>Comments</u>
5)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
6)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
7)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
8)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
9)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

GENERAL CONDITIONS OF RELEASE

	<u>Condition</u>	<u>Compliance</u>	<u>Comments</u>
10)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
11)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
12)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Additional Comments on Acquittee's Progress · GENERAL CONDITIONS OF RELEASE:

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

SPECIAL CONDITIONS OF RELEASE

Condition	Compliance	Comments
1)	<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
2)	<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
3)	<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
4)	<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
5)	<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

SPECIAL CONDITIONS OF RELEASE

	Condition	Compliance	Comments
6)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
7)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
8)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
9)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
10)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

SPECIAL CONDITIONS OF RELEASE

	Condition	Compliance	Comments
11)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
12)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
13)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
14)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
15)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

SPECIAL CONDITIONS OF RELEASE

	Condition	Compliance	Comments
16)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
17)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
18)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
19)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	
20)		<input type="checkbox"/> Always Compliant <input type="checkbox"/> Sometimes Compliant <input type="checkbox"/> Never Compliant	

Monthly Report to the Department of Behavioral Health & Developmental Services Reviewing Conditional Release of an Insanity Acquittee

Comments on acquittee's progress and adjustment in the community this reporting period (including the results of SA testing):

Staff completing the form:

Signature:

Phone:

Fax:

Email:

**SIX-MONTH REPORT TO COURT
REVIEWING CONDITIONAL RELEASE OF INSANITY ACQUITTEES
INSTRUCTIONS FOR COMPLETING THE FORM:**

I. GENERAL GUIDANCE:

- A. Report is submitted to the NGRI judge of jurisdiction. If there are two or more courts of jurisdiction, one report should be addressed to all judges or separate reports can be submitted to each NGRI judge of jurisdiction.
- B. The report should be completed and submitted every 6 months after the acquittee is placed on conditional release.
- C. Read the currently approved conditional release plan carefully. Do not assume that any of the general or special conditions have been modified or deleted unless you have a court order or letter from the NGRI judge of jurisdiction confirming that status. If the court has deleted or modified a condition, label that status in the comment section. If the conditional release plan was written so that the CSB has the authority to discontinue a service, only then it is allowed to discontinue the condition without the court's specific approval. Note the 2 distinctions appropriately in the comment section.
- D. Do not use local names of programs, i.e., Rainbow House or abbreviations, i.e., ACR. Describe the program type instead, i.e., club house, detox program, adult home, etc.
- E. The 6-month report to the court does NOT substitute for the monthly report.
- F. The reporting form is available electronically for your convenience.

II. SPECIFIC INSTRUCTIONS FOR THE FORM:

- A. DATE – Complete the date that the report is written.
- B. TO – Complete the name(s) of the NGRI judge(s) of jurisdiction and their address(es).
- C. RE– Complete the full name of the acquittee, the court case number and the date of the conditional release order.
- D. CONDITIONS OF RELEASE – Complete all the general and special conditions of release in this section.
- E. GENERAL CONDITIONS OF RELEASE - Read the currently approved conditional release plan and write/type all general conditions in detail and by their number on the left side column. If the general conditions are not written/typed in their entirety, write/type meaningful phrases for each general condition that

represents the court's intent of the general conditions.

Check off "never compliant", "sometimes compliant", or "always compliant" to describe the acquittee's compliance with each general condition of their release.

Write/type in comments as needed to describe the acquittee's compliance with each general condition of their release.

If you condense the wording of the general condition on the report, ensure that your version of the condition still represents the court's intent and that it can be appropriately answered by the choices – "never", "sometimes" or "always". Do not just write/type in a number without a description of the general condition. Do not just write/type in that "all general conditions are fine".

- F. **SPECIAL CONDITIONS OF RELEASE** – Read the currently approved conditional release plan and list all special conditions in detail and by their number on the left side column. If the special conditions are not written/typed in their entirety, write/type meaningful phrases for each special condition that represent the court's intent for the special conditions.

Check off "never compliant", "sometimes compliant", or "always compliant" to describe the acquittee's compliance with each special condition of their release.

Write/type in comments to describe variations in the acquittee's compliance with each special condition of their release.

If you condense the wording of the special condition on the report, ensure that your version of the condition still represents the court's intent and that it can be appropriately answered by the choices – "never", "sometimes" or "always". Do not just write/type in a number without a description of the special condition. Do not just write/type in that "all special conditions are fine".

- G. **OTHER COMMENTS ON ACQUITTEE'S PROGRESS AND ADJUSTMENT IN THE COMMUNITY** – This is the opportunity to complete more information about the acquittee's progress, lack of compliance, or maintenance of effort with the conditional release plan. It also provides space to remark on other factors that influence the acquittee's overall adjustment in the community.

- H. **CSB RECOMMENDATION TO THE COURT** – This section is very important and delineates the four recommendations that can be made to the court. The case manager can make only one recommendation to the court. It may be helpful to discuss your report and recommendation with your supervisor and/or NGRI Coordinator before submitting to the court. In most cases, it is appropriate to share your recommendation with the acquittee.

- I. IF MAKING A REQUEST, PROVIDE SPECIFICS OF REQUEST AND RATIONALE – Complete any details concerning a request of the court. A request would be required anytime you have made the recommendation of “modify the current conditional release order”, “revoke conditional release”, or “remove conditions of release”.
- J. SIGNATURE – The case manager should sign their name. It is also recommended to add the credentials of case manager, i.e., LPC, MSW, BS, RN, etc.
- K. NAME – The case manager should print/type their name.
- L. ADDRESS – Print/type the name of the CSB and the mailing address of the case manager.
- M. PHONE, FAX, EMAIL – Print/type the phone number, email address, fax number where the case manager can be reached.
- N. CC - The acquittee’s attorney, the attorney for the commonwealth and the Forensic Office of DBHDS should receive a copy of this report every 6 months. If there is more than one NGRI judge of jurisdiction, send to all defense and commonwealth attorneys involved.
- O. OTHER INFORMATION:
 - 1. Only email, fax or mail the Six Month Report to court reviewing the Conditional Release of Insanity Acquittee. Do not send the report by both mail and fax.

Mailing address: DBHDS, Office of Forensic Services
P.O. Box 1797
Richmond, Virginia 23218-1797
Email: csb.ngri@dbhds.virginia.gov; Fax number: 804-786-9621

Six Month Report to Court Reviewing Conditional Release of an Insanity Acquittee

DATE OF REPORT:

MAIL TO: The Honorable:
 Court Name:
 Court Address:

RE: AcquitteeName:

Court Case No(s):

Date of Conditional Release Order:

GENERAL CONDITIONS OF RELEASE

	<u>Condition Description</u>	<u>Level of Compliance</u>	<u>Comments</u>
1)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
2)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
3)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
4)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	

**Six Month Report to Court
Reviewing Conditional Release of an Insanity Acquittee**

GENERAL CONDITIONS OF RELEASE

	<u>Condition Description</u>	<u>Level of Compliance</u>	<u>Comments</u>
5)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
6)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
7)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
8)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
9)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
10)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
11)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
12)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	

Six Month Report to Court Reviewing Conditional Release of an Insanity Acquittee

SPECIAL CONDITIONS OF RELEASE

	<u>Condition Description</u>	<u>Level of Compliance</u>	<u>Comments</u>
1)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
2)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
3)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
4)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
5)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
6)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
7)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	

**Six Month Report to Court
Reviewing Conditional Release of an Insanity Acquittee**

SPECIAL CONDITIONS OF RELEASE

	<u>Condition Description</u>	<u>Level of Compliance</u>	<u>Comments</u>
8)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
9)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
10)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
11)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
12)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
13)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
14)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	

**Six Month Report to Court
Reviewing Conditional Release of an Insanity Acquittee**

SPECIAL CONDITIONS OF RELEASE

	<u>Condition Description</u>	<u>Level of Compliance</u>	<u>Comments</u>
15)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
16)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
17)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
18)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
19)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	
20)		<input type="checkbox"/> Never <input type="checkbox"/> Sometimes <input type="checkbox"/> Always	

Six Month Report to Court Reviewing Conditional Release of an Insanity Acquittee

Comments on acquittee's progress and adjustment in the community this reporting period (including results of SA testing):

CSB Recommendation to the Court:

- Continue conditional release
- Modify current conditional release order
- Revoke conditional release
- Remove conditions of release

Six Month Report to Court Reviewing Conditional Release of an Insanity Acquittee

If making a request for modification or removal of conditions, provide specifics of request and rationale:

If the individual completing this report is not the CSB NGRI Coordinator then both signatures are required, otherwise only the NGRI Coordinator must sign below:

<u>Staff Completing Form:</u>	<u>NGRI Coordinator</u>
Signature: <input style="width: 90%;" type="text"/>	Signature: <input style="width: 90%;" type="text"/>
Name: <input style="width: 90%;" type="text"/>	Name: <input style="width: 90%;" type="text"/>
Agency: <input style="width: 90%;" type="text"/>	Agency: <input style="width: 90%;" type="text"/>
Phone: <input style="width: 90%;" type="text"/>	Phone: <input style="width: 90%;" type="text"/>
Fax: <input style="width: 90%;" type="text"/>	Fax: <input style="width: 90%;" type="text"/>
Email: <input style="width: 90%;" type="text"/>	Email: <input style="width: 90%;" type="text"/>

CC:

Acquittee's Attorney:

Attorney for the Commonwealth:

DBHDS Office of Forensic Services: Fax: 804-786-9621 or
 Email: csb.ngri@dbhds.virginia.gov or
 Mail: P.O. Box 1797, Richmond, VA 23219

**NOT GUILTY BY REASON OF INSANITY
PETITION FOR REVOCATION OF CONDITIONAL RELEASE,
PURSUANT TO § 19.2-182.8 OF THE CODE OF VIRGINIA**

VIRGINIA:
IN THE CIRCUIT COURT OF _____, or
IN THE GENERAL DISTRICT COURT OF _____
COMMONWEALTH OF VIRGINIA

VS.

NAME _____	DOCKET NO.-CR _____
DATE OF BIRTH _____	FELONY _____
	MISDEMEANOR _____
	OFFENSE DATE(S) _____

The undersigned petitioner alleges that _____, an acquittee who was previously found not guilty by reason of insanity and later placed on conditional release, pursuant to Virginia Code § 19.2-182.7 (see attached court order), has:

_____ violated the conditions of his release, and/ or

_____ is no longer a proper subject for conditional release

and requires inpatient hospitalization. In support of the allegation, your petitioner submits the following facts:

Wherefore, your petitioner prays that the said acquittee be evaluated with respect to his suitability for conditional release and need for inpatient hospitalization.

Signed _____ Date _____

The foregoing petitioner, being duly sworn, deposes and says that the statements set forth above are true and correct to the best of his knowledge and belief.

Subscribed and sworn to before me on this _____ day of _____.

Judge, Special Justice, or Notary Public

xc: Acquittee's Attorney
Commonwealth's Attorney
DBHDS Office of Forensic Services